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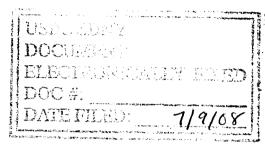
Email:

JKimball@BlankRome.com

2008 .1111 2

July 2, 2008

By Fax - (212) 805-4258The Honorable Debra Freeman United States Magistrate Judge United States District Court for the Southern District of New York 40 Foley Square New York, New York 10007



Re:

Indemnity Insurance Co. of North. America v.

"K" Line America, Inc., et al

No. 06 Civ. 0615 (BSJ) (DCF) 08-MD-01936

Our File No.: 692233-00385

Dear Magistrate Judge Freeman:

I refer to the Scheduling Order entered on June 27, 2008, copy of which is enclosed for ease of reference.

With respect to paragraph 2 of the Scheduling Order, I request that the date for completing expert depositions be pushed back to October 10, 2008. As you may recall, during our last telephone conference, I advised that I will be out of the country on business from August 11 - 29, and then on a long-planned vacation until September 13, 2008. Mr. Mazaroli also has a vacation from September 5 - 23, 2008.

In the circumstances, we request that the date for completing expert depositions be extended to October 10, 2008. Counsel for cargo interests and World have confirmed they have no objection.

Very truly yours

John D. Kimball

JDK:os Enclosure MEMO ENDORSED

SO ORDERED:

cc:

All Counsel - By Fax (w/encl.)

The Chrysler Building 405 Lexington Avenue New York, NY 10174-0208 STATES MAGISTRATE JUDGE

692233.00385/6651638v.1

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|---|-------------------------------------|
| UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK | DOCUMENTO 6/30/08 |
| In Re: TRAIN DERAILMENT NEAR TYROOKLAHOMA, ON APRIL 21, 2005 | ONE, SCHEDULING ORDER |

DEBRA FREEMAN, United States Magistrate Judge:

- By agreement of the parties to the New York actions, the service of expert reports in those actions shall proceed on the following modified schedule:
 - a. Initial expert reports shall be served no later than June 30, 2008.
 - b. Rebuttal expert reports shall be served no later than August 1, 2008.
- 2. Expert depositions in the New York actions shall be completed no later than September 5, 2008. The parties to the New York actions and the Illinois action are directed to confer in good faith regarding the schedule for these depositions, in light of paragraph 2 of the Court's prior Order of June 4, 2008.
- 3. Fact discovery and any additional expert discovery required in the Illinois actions shall be completed on the following schedule:
 - a. Fact discovery shall be completed no later than October 31, 2008.
 - b. Remaining expert discovery shall be completed no later than January 30,

2009.

Dated: New York, New York

June 27, 2008

SO ORDERED

DEBRA FREEMAN

United States Magistrate Judge

NO.824 P005

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Copies to:

Hon. Barbara S. Jones, U.S.D.J.

All Counsel (New York and Illinois actions)